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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/851,977 | 05/10/2001 | Takahiro Koga | 01USFP641-m.k. | 4106 |

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/851,977 | Applicant(s) KOGA, TAKAHIRO | |
| | Examiner James A. Kramer | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner notes that the claims are replete with errors that. Some of these are a directly related to the current amendment. For example:

Applicant's limitation of "said advertising system" in line 8 of Claim 1, lacks antecedent basis. Applicant previously claims "an advertiser system" and "an advertising agent system" but Applicant does not claim "an advertising system".

Claim 4 includes the statement, "said (c) informing step". As a result of the current amendment step (c) is now a "selecting step". (also reference claims 5, 7, 8, 11)

Claim 5 includes the limitation, "said detailed data", this also lacks antecedent basis, as Applicant deleted "detailed data" as part of this amendment. (also reference claim 8).

Examiner notes that similar errors are present in the system claims 12-20.

Claim Rejections - 35 USC § 103

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky et al. in view of Admitted Prior Art.

Voyticky teaches an integrated television and internet information system. Specifically, Voyticky teaches that broadcast signals are distributed within a user's home in any conventional

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manner (column; 5 lines 32-34). Examiner notes that this represents broadcasting a program including an advertising program of articles from a broadcast system to a user terminal.

Voyticky then teaches the user selecting event information, transferring it to a home computer and the home computer establishing a connection with the central server via the Internet and sending the event information to the server (e.g. column 6; lines 16-21). Examiner notes that the central server represents Applicant's service system. In addition this teaching represents selecting on user terminal, a specific on or said articles (events) in which user has interest when user views advertisement on user terminal.

Voyticky further teaches once a connection has been established time stamp information, SDC table data and user information are encrypted and sent to the server via the Internet (column 13; lines 23-29). Also, customer information could include a customer code that optionally identifies each subscriber to the system and provides additional information about the subscriber (column 14; lines 20-27). Examiner notes that this represents informing selection to service system through a network with user ID, wherein customer data is registered in relation to user ID.

Voyticky teaches that the product assortment can be presented to the user in any number of ways. For example, a set of windows can be used, with one window representing each product in the assortment. Alternatively, a still image or a video clip of the selected moment of the program may be displayed. Numerous other alternatives presentation approaches can be readily utilized (column 6; lines 55-62). Examiner notes that the presentation format represents Applicant's policy data. In addition, how a particular product manufacturer/advertiser wishes to

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have their product displayed represents that advertiser inputting policy data to the central server/service system.

Voyticky further teaches that the server selects the products that meet the criteria and presents the resulting assortment to the user (column 17; lines 57-59). Examiner notes that when the server presents just the products selected by the user, the server is preparing a private advertising page and presenting it to the user over the network.

Voyticky also teaches capturing in a product table information commonly used in computer-assisted marketing systems (column 17; lines 50-51). Examiner notes that this represents producing marketing data based on purchase of products.

Voyticky does not specifically teach advertising program being produced by an advertising agent in response to a demand transmitted by an advertiser from an advertiser system to an advertising agent system. Applicants admits in Figure 1 and on pages 1 and 2 of the specification that it is prior art for an advertiser to request an advertising agency to advertise articles and for the advertising agency to produce an advertisement program, then transmit the produced advertisement program to the broadcasting station and finally, request the broadcasting of the advertisement program.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Voyticky so that an advertiser requests an advertising agency to produce the advertisement program, then to transmit the produced advertisement program to the broadcasting station and finally, request the broadcasting of the advertisement program as taught by Applicant's admission. One of ordinary skill at the time of

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the invention would be motivated to combine the references as taught in order for an advertiser to leverage the skills and resources of an advertising agent when marketing a product.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak


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